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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,864	03/11/2004	Evan Pennell	00216-661001 / Case 8131	6604
26161	7590	08/12/2005		
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER CHOI, STEPHEN	
			ART UNIT 3724	PAPER NUMBER
DATE MAILED: 08/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/798,864	Applicant(s) PENNELL ET AL.	
	Examiner Stephen Choi	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
 4a) Of the above claim(s) 2,4,6,14-23,25,26 and 34 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1,3,5,7-13,24 and 27-33 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 08 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☒ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/8,4/11,9/22,8/20</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, Species A in the reply filed on 26 May 2005 is acknowledged. Applicants indicated that claims 6, 18-20, 25, and 34 are readable on the elected species. The examiner disagrees. Claims 18-20 and 25 depend on the non-elected claim 2 and claims 6 and 34 appear to read on the species B. Accordingly, claims 2, 4, 6, 14-23, 25-26, and 34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in United Kingdom on 21 July 2003. It is noted, however, that applicant has not filed a certified copy of the United Kingdom application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5, 9, 12-13, 24, 27-29, and 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Rozenkranc (US 6,276,061).

Rozenkranc discloses all the recited elements of the invention including a housing having a primary guard (at 6) and a primary cap (at 5), one or more primary shaving blades (3), a rear wall having a rear exterior surface defining a trimming cap (Figure 3a, unlabeled), a trimming blade having a trimming cutting edge (4), and a trimming guard (Figure 3a, unlabeled). Regarding claim 24, alignment surfaces (surfaces on an unlabeled blade holder at 4). Regarding claims 27-28, a shaving aid strip (5). Regarding claims 32-33, Figure 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc.

Rozenkranc discloses the invention substantially as claimed except for one or more skin protection structures between the trimming guard and the trimming cutting edge. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ one or more skin protection structures between the trimming guard and the trimming cutting edge on the device of Rozenkranc since the examiner takes Official Notice on the use of skin protection projections as old and well known in the shaving art for the purpose of protecting the user's skin.

7. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc.

Rozenkranc discloses the invention substantially as claimed except for the rear wall being a separate component made of metal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a separate piece made of metal on the device of Rozenkranc in order provide an attachable component. The court has long held that constructing a formerly integral structure in various elements involves only routine skill in the art and selecting a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

8. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc.

Rozenkranc discloses the invention substantially as claimed except for four or more primary shaving blades or five or more primary shaving blades. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ four or five or more primary blades since the examiner takes Official Notice on the use of four/five or more blades as old and well known in the art for the purpose of enhancing shaving action.

Conclusion

9. The reference to Macove is cited to show a related device.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Friday 9:00-3:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sc

8 August 2005


STEPHEN CHOI
PRIMARY EXAMINER